

## REMARKS

The Office Action dated January 14, 2009 has been received and considered. In this response, claims 31-33, 38, and 39 have been amended. Support for the amendments may be found in the specification and drawings as originally filed. Claims 1-16, 34, 40-47, 50-54, 63, and 64 have been canceled without prejudice or disclaimer. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

### **Allowability of Claims**

The Applicant notes with appreciation the indication at page 14 of the Office Action that claims 17-30 would be allowable if rewritten or amended to overcome the rejections under 35 USC § 101. Applicants have amended claim 17, upon which claims 17-30 depend, to address the rejection. Accordingly, allowance of claims 17-30 is respectfully requested.

Further, claim 31, from which claims 31-33 and 35-39 depend, has been amended to recite similar elements to claim 17. Accordingly, claim 31 and the claims dependent thereon are allowable for at least the same reasons as claim 17. Allowance of claims 31-33 and 35-39 is respectfully requested.

### **35 USC § 101 Rejection of Claims 1, 17, 47 and 49**

At page 2 of the Office Action, claims 1, 17, 47 and 49 are rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. With respect to claims 1, 47, and 49, the claims have been canceled without prejudice or disclaimer.

With respect to claim 17, the Office Action asserts at page 2 that “by not limiting the sending source to a particular machine, in the sending step, such a claim limitation is broad enough that the claim could be completely performed mentally or verbally” and therefore does not comply with Section 101. Although Applicants disagree, and point out that the claims recitation of “decrypting, **at a graphics chip**” cannot be performed mentally or verbally, in the interest of moving the application forward have amended claim 17 to recite that first encrypted routine is sent “from a processor.” Thus, claim 17 recites the “sending source” as requested by the Office.

In view of the foregoing, withdrawal of the Section 101 rejection of claims 1, 17, 47, and 49 and reconsideration of the claims is respectfully requested.

#### **Anticipation Rejection of Claims 49 and 51**

At page 3 of the Office Action, claims 49 and 51 are rejected under 35 U.S.C. § 102(e) as being anticipated by Eskicioglu et al. (U.S. Patent No. 6,409,089). Claims 49 and 51 have been cancelled without prejudice or disclaimer. Accordingly, withdrawal of the anticipation rejection of claims 49 and 51 and reconsideration of the claims is respectfully requested.

#### **Anticipation Rejection of Claims 49 and 52**

At page 4 of the Office Action, claims 49 and 52 are rejected under 35 U.S.C. § 102(e) as being anticipated by Smith et al. (U.S. Patent App. Pub. No. 2003/0009679). Claims 49 and 52 have been cancelled without prejudice or disclaimer. Accordingly, withdrawal of the anticipation rejection of claims 49 and 51 and reconsideration of the claims is respectfully requested.

#### **Obviousness Rejection of Claims 1-3, 8, 9, 13, 16, 31, 33, 37, 38, 40, 41, 43, 46, 47, 63 and 64**

At page 5 of the Office Action, claims 1-3, 8, 9, 13, 16, 31, 33, 37, 38, 40, 41, 43, 46, 47, 63 and 64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daellenbach Provisional et al. (U.S. Patent Ap.. Pub. No. 2003/0168508), hereafter referred as Daellenbach, and in view of Ciacelli (U.S. Patent No. 6,236,727).

Claims 3, 8, 9, 13, 16, 40, 41, 43, 46, 47, 63 and 64 have been cancelled without prejudice or disclaimer.

With respect to claim 31, the claim has been amended to recite similar elements as claim 17 and is allowable for at least the same reasons. In particular, claim 31 recites “a graphics chip, said graphics chip to decrypt a first encrypted routine, [[and ]]generate a plaintext routine, and store the generated plaintext routine to a memory location of the memory; a software driver, wherein said software driver is to interface with said graphics chip, said software driver including a program of instructions capable of being stored in said memory and executed by said processor, and wherein the memory location is known to the software driver, said program of

instructions to manipulate said processor to: send the first encrypted routine of said software driver to said peripheral device, wherein the first encrypted routine is an encrypted version of an encryption routine.” As acknowledged the Office in the Non-Final Office Action mailed July 28, 2008, these elements are not disclosed or rendered obvious by the cited references. Further, claims 33, 37, and 38 depend from claim 31 and are allowable at least by virtue of their dependency on claim 31. In addition, claims 33, 37, and 38 recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 1-3, 8, 9, 13, 16, 31, 33, 37, 38, 40, 41, 43, 46, 47, 63 and 64 and reconsideration of the claims is respectfully requested.

#### **Obviousness Rejection of Claims 10-12, 32, 39, 42 and 54**

At page 8 of the Office Action, claims 10-12, 32, 39, 42 and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daellenbach in view of Ciacelli, in view of Hendricks et al. (U.S. Patent No. 7,298,851). Claims 10-12, 42, and 54 have been cancelled without prejudice or disclaimer.

With respect to claims 32 and 39, these claims depend from claim 31, which as explained above is allowable for at least the same reasons as claim 17. Accordingly, claims 32 and 39 are allowable at least by virtue of their dependency on claim 31. In addition, claims 32 and 39 recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 10-12, 32, 39, 42 and 54 and reconsideration of the claims is respectfully requested.

#### **Obviousness Rejection of Claims 14 and 15**

At page 10 of the Office Action, claims 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daellenbach in view of Ciacelli in view of Wilson (U.S. Patent No. 4,520,232). Claims 14 and 15 have been cancelled without prejudice or disclaimer. Accordingly, withdrawal of the obviousness rejection of claims 14 and 15 and reconsideration of the claims is respectfully requested.

**Obviousness Rejection of Claims 4-7, 34-36, 44 and 45**

At page 11 of the Office Action, claims 4-7, 34-36, 44, and 45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daellenbach in view of Ciacelli and in view of Freeman (U.S. Patent App. Pub. No. 2002/0129374). Claims 4-7, 34 44, and 45 have been cancelled without prejudice or disclaimer.

With respect to claims 35 and 36, these claims depend from claim 31, which as explained above is allowable for at least the same reasons as claim 17. Accordingly, claims 35 and 36 are allowable at least by virtue of their dependency on claim 31. In addition, claims 35 and 36 recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 4-7, 34-36, 44, and 45 and reconsideration of the claims is respectfully requested.

**Obviousness Rejection of Claim 50**

At page 12 of the Office Action, claim 50 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Ciacelli. Claim 50 has been cancelled without prejudice or disclaimer. Accordingly, withdrawal of the obviousness rejection of claim 50 and reconsideration of the claim is respectfully requested.

**Obviousness Rejection of Claim 53**

At page 12 of the Office Action, claim 53 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Freeman. Claim 53 has been cancelled without prejudice or disclaimer. Accordingly, withdrawal of the obviousness rejection of claim 53 and reconsideration of the claim is respectfully requested.

**Obviousness Rejection of Claim 54**

At page 13 of the Office Action, claim 54 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Eskicioglu in view of Ciacelli. Claim 54 has been cancelled without prejudice or disclaimer. Accordingly, withdrawal of the obviousness rejection of claim 54 and reconsideration of the claim is respectfully requested.

**Conclusion**

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicants believe no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

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Date